

PERMISSION TO CARRY A CONCEALED WEAPON

2006-2007 Solano County Grand Jury

Reason for Investigation

The Grand Jury elected to investigate procedures and policies to obtain a permit to carry a concealed weapon in Solano County and the cities within Solano County.

Grand Jury Actions

- Contacted each law enforcement agency to obtain its policy and procedure for obtaining a concealed weapon permit
- Reviewed a list of current Concealed Weapons Permit holders within the county

Background/Summary

The information received from the Sheriff and local Police Departments met the requests made by the Grand Jury. Each noted, as the prime criteria, California Penal Code §§ 12050 - 12054 for issuance of concealed weapons permits (CWP). Section 12050 includes the ability for the sheriff and police chiefs to issue a license to carry a concealed firearm to residents of the county or community. Subsection (b) of Section 12050, authorizes the sheriff or local police chiefs to impose any reasonable restrictions which they deem warranted.

Several cities in Solano County use Lexipol, a contracting firm, for the development of policies and procedures for a CWP issuance. It provides police departments with a method for development, modification and maintenance of policies and procedures. Local police departments review policies and procedures to ensure a fit within their community.

Benicia

Benicia Police Department policy, section 218, provides the process for an applicant to obtain a CWP. At the time of its response, 11 concealed weapon permits had been issued following policy 218. Benicia policy requires successful completion of two phases. Specifically, “[u]pon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.” An initial applicant fee is \$100 (non-refundable). Additional fees are required for finger printing, training and psychological testing. Another notable item is that the applicant must submit a minimum of three signed character reference letters. Once the Chief of Police or authorized designee has verified the successful completion of the last phase, the license to carry a concealed weapon will either be granted or denied. An issued license is valid for two years. Ammunition shall be inspected and approved by the Benicia Police Department Range Master.

Dixon

Dixon Police Department Policy, sections 218 and 220, provide the process for a CWP. Currently Dixon has three permits issued. Dixon policy requires completion of two phases. Specifically, “[u]pon the successful completion of each phase, the applicant will be advanced to the next phase until the process is completed and the license is either issued or denied.” An

initial applicant fee is \$100 (non-refundable). Additional fees are required for finger printing, training and psychological testing. The applicant must submit a minimum of three signed character reference letters. An issued license is valid for two years. Ammunition shall be inspected and approved by the Dixon Police Department Range Master.

Fairfield

Fairfield Police Department policy and procedures number 3500, "Concealed Weapon Permit," is currently in place. Presently there are three permits issued by Fairfield. The initial step for an applicant is to submit a letter to the Police Chief stating reasons that a permit is needed. The Chief reviews and decides if the process is to continue. All processing costs are covered by the applicant. Petition for Carrying Concealed Weapon Permit requires a compelling reason. "Self protection alone is not justification for a CWP..." according to Fairfield's permit information sheet.

Rio Vista

The Rio Vista Police Department policy and procedure, section 218, Concealed Weapons Licensing, is in place and is currently under review by the Chief. At present there are four licenses issued. All costs for applying for a license are the responsibility of the applicant including, if the Chief requires, referral to an authorized psychologist to determine the applicant's suitability for carrying a concealed weapon, not to exceed \$375. Three character reference letters must be included with an application. Section 218 allows the Chief or authorized designee to approve or deny an applicant even after successfully completing the process.

Solano County Sheriff/Coroner's Department

The Solano County Sheriff also follows California Penal Code 12050 through 12054. Currently the Sheriff has issued 88 permits to carry concealed weapons. Further breakdown indicates 49 are issued to Correctional Officers, 10 to Reserve Deputy Sheriffs and 29 to citizens. Permit costs are the responsibility of the applicant. Officers of the court or county may have fees waived by the county. Permits issued by the Solano County Sheriff include 36 in Vacaville, 19 in Fairfield, 13 in Suisun City, five in Vallejo, four in Benicia, three each in Dixon and Rio Vista and one each in Rosamond, Clarksberg, Napa, Santa Rosa and Walnut Grove.

Suisun City

The Suisun City Police Department General Order 4.207 recognizes the Chief's statutory discretion to issue a permit to carry a concealed weapon to a resident of the City. The general order further states "[e]xperience has revealed that concealed firearms carried for protection not only provide a false sense of security but further, that the permittee is often a victim of his own weapon or the subject of a civil or criminal case stemming from an improper use of the weapon. [¶] It is the judgment of the Suisun City Police Department that utilization of standard commercial security practices furnishes a security which is both safer and more secure than that

which results from the carrying of a concealed firearm.... [¶] For these reasons and considering the dangers to society resulting from the possession and use of concealed firearms, it is the policy of the Suisun City Police Department that ‘good cause’ for the issuance of any concealed weapons permits would exist only in the most extreme and aggravated circumstances.” Self-protection alone will NOT be an acceptable reason for issuing a concealed weapon permit. Currently Suisun City has issued five permits. The application process, as well as all associated costs in the permit process, is the sole responsibility of the applicant.

Vacaville

The Chief of the Vacaville Police Department has policies and procedures, in accordance with California Penal Code sections 12050 through 12054, the statutory discretion to issue a license to carry a concealed firearm to residents within the City of Vacaville. Currently five permits have been issued to Vacaville community members.

All application requirements and costs are the responsibility of the applicant. Three character reference letters must be included with the application. The policy states “[n]othing in this policy shall be construed to require the Chief of Police to issue a concealed weapons license at any time.” Among other requirements, the applicant must provide documented proof of \$1,000,000 in personal liability insurance coverage.

Vallejo

The Vallejo Police Department has issued General Order C-10 providing for Concealed Weapons Licenses. “The Chief of Police, upon proof that an applicant is of good moral character as determined by a background investigation and psychological examination, submission of fingerprints and appropriate fees and documents, completion of a specified course of training and proof that good cause exists, may issue a license to carry a concealed weapon.” All fees associated with such a license are the responsibility of the applicant. Currently the Police Chief has issued six permits to Vallejo residents (three permits are to City staff members). The Grand Jury was informed that “[i]n consideration of the newly adopted guidelines, coupled with the lack of articulated justifications on the part of an applicant for needing a CCP aside from Reserve Police Officers, we rarely issue new permits.”

Findings and Recommendations

Finding 1 - The process to obtain a concealed weapons permit is very involved and complex.

Recommendation 1 - Issuing authorities should provide a separate document clarifying and supporting the department’s procedure necessary for citizens to obtain a Concealed Weapons Permit.

Comments

The decision to issue a concealed weapons permit is made at the local level by the issuing authority. All costs for applying for a concealed weapons permit are the responsibility of the applicant. An application can be approved or denied even after successful completion of all requirements. This appears to be a subjective standard. It should be noted, however, that the authority to use this standard is State law.

Affected Agencies

- Solano County Sheriff/Coroner's Department
- Benicia Police Department
- Dixon Police Department
- Fairfield Police Department
- Rio Vista Police Department
- Suisun City Police Department
- Vacaville Police Department
- Vallejo Police Department

Courtesy Copy

- Solano County Board of Supervisors
- Solano County - County Administrative Officer
- City Manager, Benicia
- City Manager, Dixon
- City Manager, Fairfield
- City Manager, Rio Vista
- City Manager, Suisun City
- City Manager, Vacaville
- City Manager, Vallejo